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Attorneys for Plaintiffs

MARK D. LESSLER and NANCY F. LESSLER

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

NANCY FLORES LESSLER and MARK D.
LESSLER,

Plaintiffs,

vs.

AVI STRUGO,

Defendants.

**COMPLAINT FOR DAMAGES IN
ADMIRALTY**

[Personal Injury]

[Maritime Collision]

JURY TRIAL DEMANDED

007-04409 EDL

Plaintiffs, NANCY FLORES LESSLER and MARK D. LESSLER, complain against
Defendant, AVI STRUGO, and request trial by jury, as follows:

1. This action arises under the general maritime law, in admiralty and maritime
jurisdiction as hereinafter more fully appears, and is an admiralty and maritime case within the
meaning of Rule 9(h) of the Federal Rules of Civil Procedure.

2. Plaintiffs are informed and believe and thereon allege that at all times material hereto,
Defendant AVI STRUGO was, is, and continues to be a United States citizen living within this
Judicial District.

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NOTICE OF ASSIGNMENT

TO MAGISTRATE JUDGE SENT

1 3. At all times material hereto, Defendant, AVI STRUGO, was the owner and operator of
2 the cabin cruiser "True Love", and at all material times said Defendant operated said cruiser
3 upon the navigable waters of the United States.

4 4. At all times material hereto, Plaintiffs, NANCY FLORES LESSLER and MARK D.
5 LESSLER, were living within this Judicial District and were the joint owners, and MARK D.
6 LESSLER was the operator, of a motorboat used upon the navigable waters of the United States.

7 5. On or about April 27, 2007, while Plaintiffs were cruising southbound on Napa River,
8 a navigable waterway, Defendant's cruiser, the "True Love", was being operated in a northbound
9 direction on said Napa River in a negligent and careless manner so as to create a dangerous and
10 hazardous wake which caused severe and permanent injury to Plaintiff, NANCY FLORES
11 LESSLER, more fully described below.

12 6. Said injury was caused by the sole fault of Defendant AVI STRUGO, in that said
13 Defendant failed to use prudent seamanship or reasonable care in the operation of the "True
14 Love", violated statutory or regulatory rules governing the movement and management of
15 vessels, failed to comply with recognized maritime customs and usages, all of which proximately
16 caused Plaintiffs' injuries and damages.

17 7. As a result of the negligence of Defendant AVI STRUGO in operating the "True
18 Love", Plaintiff NANCY FLORES LESSLER received severe injuries to her back including but
19 not limited to a fracture to her lower spine.

20 8.. As a direct and proximate result of the Defendant's negligence, Plaintiff, NANCY
21 FLORES LESSLER was severely injured in her health, strength, and activity, sustaining injury
22 to the body and shock and injury to the nervous system, all of which injuries have caused and
23 continue to cause said Plaintiff great, physical, mental and nervous pain and suffering. Plaintiff
24 MARK D. LESSER is the lawful spouse of plaintiff, NANCY FLORES LESSLER and as a
25 result MARK D. LESSLER suffered damages in the nature of loss of marital consortium.
26 Plaintiffs are informed and believe and thereon allege that the severe personal injuries to
27 NANCY FLORES LESSLER will result in some level of permanent disability and loss of
28 earning capacity, all to their general damages in an amount to be ascertained.

1 9. As a further direct and proximate result of Defendants' negligence, Plaintiffs were, are,
2 and will be prevented from attending to their usual occupation and they thereby lost earnings,
3 earning capacity, and other benefits and will continue to sustain similar future losses. The total
4 amount of these losses is presently unknown to Plaintiffs at this time.

5 10. As a further direct and proximate result of Defendants' negligence, Plaintiff, NANCY
6 FLORES LESSLER required treatment by doctors, nurses and other medical personnel to
7 examine, treat, and care for her, and she has incurred and will incur medical and other expenses.
8 The amount of said expenses is unknown to Plaintiffs at this time.

9 WHEREFORE, Plaintiffs pray for judgment against Defendant, as follows:

- 10 1. For general damages according to proof;
11 2. For loss of earnings and earning capacity according to proof;
12 3. For medical and incidental expenses according to proof;
13 4. For prejudgment interest according to proof;
14 5. For costs of suit herein incurred and to be incurred; and
15 6. For such other and further relief as the court deems just and proper.

16
17 Dated: August 27, 2005

KNOX RICKSEN LLP

18
19 By: 

STEVEN B. STEIN
Attorneys for Plaintiffs
NANCY F. LESSLER and
MARK D. LESSLER